

REMARKS & DISCUSSION OF ISSUES

I. Amendment of Specification

A. Informalities

The specification is amended to delete the hyperlinks objected to by the examiner, to correct informalities and to correct an erroneous reference to a drawing figure number (on page 16) and to an erroneous drawing reference number (on page 19).

B. Headings

The specification is also amended to delete headings.

While the MPEP *suggests* the use of specific headings in §608.01, there is no requirement that they be used. Note that the first paragraph in §608.01(a) begins:

“The following order of arrangement of specification elements is preferable in framing the nonprovisional specification and each of the lettered items should appear in upper case, without underlining or bold type, as section headings.”

These are suggestions, not requirements.

Applicants respectfully decline to add the headings suggested in the MPEP for at least the reason that they may be used (albeit improperly) to effect misreading of the specification (e.g., by an accused infringer). As one example, the heading DETAILED DESCRIPTION OF THE INVENTION can be misread to mean that the scope of applicants' **invention** is *limited to* that which is disclosed in the section under this heading.

Clearly, that is not the intent of the MPEP. In describing the *content* of the specification required in the section under this heading, the MPEP (on page 600-77) states:

(i) DETAILED DESCRIPTION OF THE INVENTION: See MPEP § 608.01(g). A description of the preferred embodiment(s) of the invention as required in 37 CFR 1.71.

As stated above, this section of the specification is intended to describe **preferred embodiments** of the invention. These are just preferred examples of the invention, whereas (as is well-settled law) the scope of the invention is to be determined by the section with the heading CLAIMS. Nevertheless, at least the MPEP-suggested heading DETAILED DESCRIPTION OF THE **INVENTION** is at least ambiguous (if not totally misdescriptive) and could be misused.

II. Amendment of Abstract

The Abstract is amended as has been suggested by the examiner to delete the reference numbers in parentheses. It is also amended to more concisely state the technical disclosure given in the specification, as provided in MPEP §608.01(b)

A clean copy of the amended Abstract is submitted with this Amendment.

III. Claim Objections

The examiner has objected to the claims as containing many reference characters and suggested that they be deleted to avoid confusion. The claims are amended hereby to adopt this suggestion.

IV. Claim Rejections Under 35 USC 112

The examiner has rejected all claims (1-26) as containing a “means” clause in connection with monitoring that allegedly does not comply with 35 USC 112, 6th paragraph.

The claims have been amended to delete means clauses, wherever they occurred, and to more clearly recite applicants’ invention. It is submitted that 35 USC 112, 6th paragraph does not apply to any of the claims now in the application.

V. Claim Rejection Under 35 USC 102

The examiner has rejected claims 1-3, 6, 7, 9-11, 14-24 and 26 under 35 USC 102(b) as being anticipated by U.S. Patent 6,611,297 to Akashi et al. (hereinafter referred to as AKASHI).

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. (MPEP §2131)

For at least the reasons set forth below, AKASHI does not disclose every element recited in any of the claims in the application and, therefore, does not anticipate any of these claims.

In particular, each and every claim in the application (1-26), either directly or by virtue of its dependency from another claim, recites:

A visual display system including a display device having an image display region on a screen where images represented by received image data are displayed and including:

a control device for, in dependence on a depth signal derived from the received image data, controlling movement of light radiation from an illumination source for illuminating an area adjacent to a peripheral portion of the image display region, where said depth signal represents a movement component of a displayed object in a direction substantially perpendicular to the screen.

There is no disclosure or suggestion in AKASHI of such dynamic peripheral light control in relation to a third dimensional movement of a displayed object, as is represented by the depth signal. This type of control adds a degree of realism that is not possible with control based only on two-dimensional images within the plane of a display screen, as is done in AKASHI.

VI. Claim Rejection Under 35 USC 103

A. In rejections under 35 USC 103, the examiner initially bears the burden of establishing a *prima facie* case of obviousness. If the examiner does not produce such a *prima facie* case, the applicant is under no obligation to rebut the examiner's contention of obviousness by submitting evidence or arguments of non-obviousness. (MPEP §2142)

B. The examiner has rejected claims 23-25 under 35 USC 103(a) as unpatentable over AKASHI in view of U.S. Patent Application Publication 2004/0239582 to Seymour (hereinafter referred to as "SEYMOUR").

For at least the reasons already stated in Article V regarding the failure of AKASHI to anticipate claim 1 (from which claims 23-25 ultimately depend) these claims are also patentable over AKASHI. The combination of AKASHI and SEYMOUR does not remedy this deficiency.

VII. Examiner's Indication of Allowable Claims

In paragraph 9 of the current Office Action, the examiner indicated that original claims 4, 5, 8, 12 and 13 were patentable over the cited art. Attorney for applicants gratefully acknowledges this indication and submits this as a separate reason in support of the patentability of these claims. Clearly there is nothing in either AKASHI or SEYMOUR suggestive of the features recited in these claims.

VIII. Concluding Remarks

In view of the foregoing amendments and comments, it is submitted that the application is in condition for allowance with all of claims 1-26, which action is respectfully requested.

Respectfully,

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